

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING U.S. SENATE BILL 2265, THE "NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT (NAHASDA) OF 2021"; URGING THE U.S. SENATE TO AMEND THE BILL TO EXPAND INCOME ELIGIBILITY REQUIREMENTS TO INCREASE NATIVE AMERICAN HOME OWNERSHIP

WHEREAS:

- A. Statements of policy, enactment of positive law, intergovernmental agreements, budget resolutions, and reallocations, must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein. 2 N.N.C. § 164(A).
- B. The Resources and Development Committee of the Navajo Nation Council exercise oversight authority over housing on the Navajo Nation. 2 N.N.C. § 500(C).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'íyáti' Committee to coordinate all federal programs and to assist and coordinate all requests for information, appearances and testimony relating to federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 164(A)(9), 700(A), 701(A)(4), 701(A)(6). See also Resolution No. CO-45-12.
- D. The Navajo Nation has a government-to-government relationship with the United States of America. Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- E. The Native American Housing Assistance and Self Determination Act (NAHASDA) of 1996 reorganized the system of housing assistance provided to Native Americans through the Department of Housing and Urban Development by establishing two programs: Indian Housing Block Grant (IHBG) which is a formula-based grant program and Title VI Loan Guarantee which provides financing guarantees to Indian tribes for private market loans to develop affordable housing. Regulations for these programs are published at 24 C.F.R. § 1000 (1998).

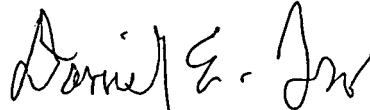
- F. NAHASDA programs are the main source of federal assistance to ensure that American Indians, Alaska Natives, and Native Hawaiians have access to safe, accessible, and affordable housing.
- G. On June 24, 2021, the Native American Housing Assistance and Self-Determination Act of 2021 was introduced as Senate Bill 2265, which would reauthorize the Native American Housing Assistance and Self-Determination Act of 1996 through 2032. **EXHIBIT A (S.B. 2265 in part).**
- H. Senate Bill 2265 includes new provisions aimed at addressing the housing crisis in tribal areas. Native Americans living in tribal areas have some of the worst housing needs in the U.S., with exceptionally high poverty rates, low incomes, overcrowded living conditions, lack of adequate plumbing and heating in their homes, and many other unique barriers to housing development and home ownership.
- I. The Navajo Nation has a history of lobbying for the expansion of income requirements on federally funded housing programs to address the housing crisis of tribal members seeking homeownership. See **EXHIBIT B.**
- J. The Navajo Nation urges the adoption of amendments to the Native American Housing Assistance and Self-Determination of 2021, to expand income restrictions to include non-low income and over income families, and to amend NAHASDA accordingly.
- K. Imposition of income restrictions on NAHASDA programs, as currently drafted in Senate Bill 2265, needs to address non-low income and over income tribal members hoping to achieve homeownership. The adoption of the Navajo Nation's proposed amendments would assist more tribal members in four critical areas: (1) rental housing; (2) contracts for buying existing and newly-constructed homes; (3) lease-purchase agreements for existing housing; and (4) new home construction. **EXHIBIT C.**

NOW, THEREFORE, BE IT RESOLVED,

The Naabik'íyáti' Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation, the Speaker of the Navajo Nation Council and their designees to communicate the Navajo Nation's support of Senate Bill 2265, the Native American Housing Assistance and Self-Determination Act of 2021, urging the adoption of amended language to increase income eligibility levels to include non-low income and over income families.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 01 Opposed, on this 10th day of November 2022.

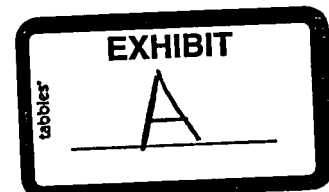


Honorable Daniel E. Tso, Chairman Pro Tem
Naabik'iyáti' Committee

11/10/22
Date

Motion: Honorable Mark A. Freeland
Second: Honorable Raymond Smith, Jr.

Chairman Pro Tem Daniel E. Tso not voting



II

117TH CONGRESS
1ST SESSION

S. 2264

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. SCHATZ (for himself, Ms. MURKOWSKI, Mr. HOEVEN, Mr. TESTER, Ms. SMITH, Ms. CORTEZ MASTO, Mr. LUJÁN, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American
5 Housing Assistance and Self-Determination Reauthoriza-
6 tion Act of 2021”.

1 **SEC. 6. PROGRAM REQUIREMENTS.**

2 Section 203(a) of the Native American Housing As-
 3 sistance and Self-Determination Act of 1996 (25 U.S.C.
 4 4133(a)) (as amended by section 5) is amended—

5 (1) in paragraph (1), by striking “paragraph
 6 (2)” and inserting “paragraphs (2) and (3)”;

7 (2) by redesignating paragraph (2) as para-
 8 graph (3);

9 (3) by inserting after paragraph (1) the fol-
 10 lowing:

11 “(2) APPLICATION OF TRIBAL POLICIES.—

12 Paragraph (3) shall not apply if—

13 “(A) the recipient has a written policy gov-
 14 erning rents and homebuyer payments charged
 15 for dwelling units; and

16 “(B) that policy includes a provision gov-
 17 erning maximum rents or homebuyer payments,
 18 including tenant protections.”; and

19 (4) in paragraph (3) (as so redesignated), by
 20 striking “In the case of” and inserting “In the ab-
 21 sence of a written policy governing rents and home-
 22 buyer payments, in the case of”.

23 **SEC. 7. DE MINIMIS EXEMPTION FOR PROCUREMENT OF**
 24 **GOODS AND SERVICES.**

25 Section 203(g) of the Native American Housing As-
 26 sistance and Self-Determination Act of 1996 (25 U.S.C.

1 4133(g)) is amended by striking “\$5,000” and inserting
2 “\$10,000”.

3 **SEC. 8. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME**
4 **REQUIREMENT AND INCOME TARGETING.**

5 Section 205 of the Native American Housing Assist-
6 ance and Self-Determination Act of 1996 (25 U.S.C.
7 4135) is amended—

8 (1) in subsection (a)(1)—

9 (A) in subparagraph (C), by striking
10 “and” at the end; and

11 (B) by adding at the end the following:

12 “(E) notwithstanding any other provision
13 of this paragraph, in the case of rental housing
14 that is made available to a current rental family
15 for conversion to a homebuyer or a lease-pur-
16 chase unit, that the current rental family can
17 purchase through a contract of sale, lease-pur-
18 chase agreement, or any other sales agreement,
19 is made available for purchase only by the cur-
20 rent rental family, if the rental family was a
21 low-income family at the time of their initial oc-
22 cupancy of such unit; and”; and

23 (2) in subsection (c)—

24 (A) by striking “The provisions” and in-
25 serting the following:

1 “(1) IN GENERAL.—The provisions”; and

2 (B) by adding at the end the following:

3 “(2) APPLICABILITY TO IMPROVEMENTS.—The
4 provisions of subsection (a)(2) regarding binding
5 commitments for the remaining useful life of prop-
6 erty shall not apply to improvements of privately
7 owned homes if the cost of the improvements do not
8 exceed 10 percent of the maximum total develop-
9 ment cost for the home.”.

10 **SEC. 9. LEASE REQUIREMENTS AND TENANT SELECTION.**

11 Section 207 of the Native American Housing Assist-
12 ance and Self-Determination Act of 1996 (25 U.S.C.
13 4137) is amended by adding at the end the following:

14 “(c) NOTICE OF TERMINATION.—The notice period
15 described in subsection (a)(3) shall apply to projects and
16 programs funded in part by amounts authorized under
17 this Act.”.

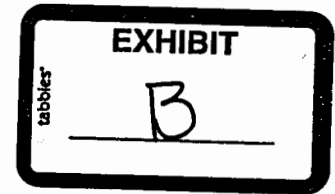
18 **SEC. 10. INDIAN HEALTH SERVICE.**

19 (a) IN GENERAL.—Subtitle A of title II of the Native
20 American Housing Assistance and Self-Determination Act
21 of 1996 (25 U.S.C. 4131 et seq.) is amended by adding
22 at the end the following:

23 **“SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.**

24 “Notwithstanding any other provision of law, the Di-
25 rector of the Indian Health Service, or a recipient receiv-

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- First Year, 2019



AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT AND THE NAABIK'ÍYATI'
COMMITTEE; OPPOSING THE IMPOSITION OF INCOME RESTRICTIONS BY THE
UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ON THE
SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM AS IT APPLIES TO
NATIVE AMERICANS ON AND OFF RESERVATIONS

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council exercise oversight authority over housing on the Navajo Nation. 2 N.N.C. §500(C).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. Among other duties and responsibilities, the Committee is charged with coordinating all testimony before Congressional committees. 2 N.N.C. §701(A)(8).

SECTION TWO. FINDINGS

- A. The United States Department of Housing and Urban Development (HUD) is currently revising the regulations for the Section 184 Indian Home Loan Guarantee Program.
- B. These revisions would in part impose an income restriction on the Indian Home Loan Guarantee Program, Section 184. See Exhibit A.
- C. The Indian Home Loan Guarantee Program, Section 184 is the one loan program available to Native Americans on and off Reservations.
- D. Imposition of income restrictions on this program would be a step backwards for all tribal members hoping to achieve homeownership.


- E. The proposed rule change imposing income restrictions on tribal applicants is available for comment for sixty days (60) from April 4, 2019 at 184consultation@hud.gov or to Kris Johnson, Director, Office of Loan Guarantee, HUD-Office of Native American Programs, 451 Seventh Street SW, Room 4108, Washington, D.C. 20410.
- F. The Resources and Development Committee and the Naabik'iyáti' Committee of the Navajo Nation Council find it to be in the best interest of the Navajo People to oppose this rule change as proposed and authorize the President of the Navajo Nation, the Speaker of the Navajo Nation Council and their designees to communicate the Navajo Nations objections to this rule change.

SECTION THREE. RESOLVED

The Naabik'iyáti' Committee of the Navajo Nation Council hereby opposes the proposed imposition of income restrictions by the Department of Housing and Urban Development on applicants for the Indian Home Loan Guarantee Program, Section 184, and authorizes the President of the Navajo Nation, the Speaker of the Navajo Nation Council and their designees to communicate the Navajo Nation's objections to this proposed rule change.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in Favor, and 00 Opposed, on this 5th day of September 2019.

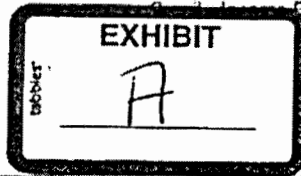


Honorable Seth Damon, Chairman
Naabik'iyáti' Committee

Motion: Honorable Raymond Smith, Jr.
Second: Honorable Thomas Walker, Jr.

Chairman Seth Damon not voting

4/18/2019



Restriction Changes to Section 184 Loan

Dwight Witherspoon <dwight.witherspoon@gmail.com>

Income Restriction Changes to Section 184 Loan

1 message

Maria Cohen <maria@azmaria.com>

Thu, Apr 11, 2019 at 6:58 PM

To: Seth Damon Damon <sdamon@navajo-nsn.gov>, Mark Freeland <m.freeland@navajo-nsn.gov>, Dwight
<dwight.witherspoon@gmail.com>

Good afternoon Speaker Damon, Mr. Freeland and Mr. Witherspoon,

I hope this email finds you all well. I am reaching out to you, because there is a proposed change HUD is making to the Section 184 Loan that I feel is extremely important to share with leaders as HUD means to include an income restriction. Historically there haven't been income restrictions to the one loan program that is available to Native Americans on and off Reservations. To impose an income restriction to the existing housing crisis on the Reservations would be a huge step backwards for all tribal members hoping to achieve homeownership and to tribes hoping to provide housing opportunities that require a loan for families to become homeowners on Reservations. I am attaching the proposed HUD draft that is open for comment at this point along with the letter from Heidi Frechette the Deputy Assistant Secretary for Native American Programs. The Section referencing the change is 1005.421(a)(1)

§ 1005.421 Legal restrictions.

(a) *Definitions.* (1) *Low- or moderate-income housing* means housing which is designed to be affordable, taking into account available financing, to individuals or families whose household income does not exceed 115 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may approve a higher percentage up to 140 percent.

I would very much like to have a conference call or meeting to further discuss this change. Please let me know if you might be available.

Kind Regards,

Maria R. Cohen
Designated Broker/Owner

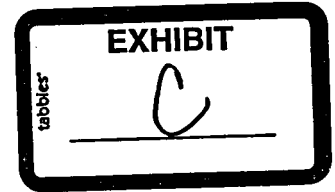
Subject: HUD eligibility

Date: Tuesday, April 19, 2022 at 3:51:48 PM Mountain Daylight Time

From: Maureen G. Curley

To: Mark Freeland

CC: Aneva J. Yazzie, Jason M. Croxton, Calandra Etsitty



Councilman Freeland,

The information below is for eligibility requirements for housing. It only targets low-income families, and does not address mid-level or high income Tribal families.

The citation as listed in the NAHASDA statute; this is the primary statute that requires amendment in order to assist more tribal members.

1. Section 205 targeting low income requirements and income targeting.
2. Four categories
 - a. Rental housing made available to low income family,
 - b. Contract to purchase house only made for purchase by a family that is a low income family at this time of purchase,
 - c. Lease purchase agreement for existing housing, or for housing to be constructed, is made available for lease purchase only by a family that is low income at the time of agreement,
 - d. Contract, to purchase to be constructed, is made available for purchase only for a low income family at the time the contract is entered.

Recommendations:

1. To consider non-low income and over income families to purchase homes. By HUD standards, that is 80% of the US income guidelines and over 100% of the US income guidelines.
2. It will require an amendment to the NAHASDA regulation 24 CFR Part 1000.104: what families are eligible for affordable housing activities. If this is change we can assist more non-low income families and over income families.

I hope this help. We might need to meet on this for more clarity, however it is a good time to address due to the NAHASDA re-authorization currently in progress.

Let me know if you need more information.

Thank you

Maureen Curley, MPA, CPM
CEO – Navajo Housing Authority
Old Coal Mine Highway
Fort Defiance, Arizona 86504
mcurley@hooghan.org
(928)729-6337
(602)814-9004

"in the absence of justice, what is sovereignty but organized robbery". Saint Augustine

WARNING: External email. Please verify sender before opening attachments or clicking on links.

NAVAJO NATION

1372

11/10/2022

Naa'bik'iyati' Committee Regular Meeting

12:16:48 PM

Amd# to Amd#

New Business: CONSENT AGENDA

PASSED

MOT Freeland, M

Item A. -Legislations: 0117-22,

SEC Smith

0203-22, 0195-22, 0186-22,

0189-22, 0175-22, 0204-22

Yeas : 18

Nays : 1

Excused : 3

Not Voting : 1

Yea : 18

Begay, E

Daniels

Smith

Tso, O

Begay, K

Freeland, M

Stewart, W

Walker, T

Begay, P

Halona, P

Tso, C

Wauneka, E

Brown

Henio, J

Tso, E

Yellowhair

Charles-Newton

Nez, R

Nay : 1

James, V

Excused : 3

Crotty

Damon

Slater, C

Not Voting : 1

Yazzie

Presiding Speaker: Tso, D